

CRM-M-60126-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60126-2024
Reserved on: 01.04.2025
Pronounced on: 22.04.2025

Samridhi Soni ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Gurmohan Singh Bedi, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
333	13.06.2024	Old Industrial Panipat, District Panipat, Haryana	406 & 420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Vide order dated 02.12.2024, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“To the SP Sahib, Panipat, SHO, P.S Old Industrial Panipat. Subject: For registration of FIR against Samridhi Soni Proprietor Climber Institute of IELTS, 11-12, Zila Parishad Market, Ajnala Road, Amritsar for committing cheating of Rs. 26,00,000/- for sending my daughters Tanu and Priyanka to USA. Sir, it is submitted as under:-1) That the complainant is resident of village Kawi, Tehsil and P.S Madlauda, District Panipat and is agriculturist by profession. 2) That in February, 2023, the complainant had a telephonic discussion with Samridhi Soni Proprietor climbers Institute of IELTS for sending his two daughters namely Tanu date of Birth 19.01.2003 and Priyanka date of birth 12.06.2005 who are 10+2 Pass for

CRM-M-60126-2024

going to USA on study Visa for a sum of Rs. 26,00,000/-. It was decided that Samridi Soni will arrange admission of both daughters in University in USA and would do all things required for the purpose of admission and would also pay tuition fee of 1st and 2nd semester. I agreed to pay Rs. 26,00,000/- to Samridhi Soni. I paid Rs. 7,00,000/- to Samridhi Soni by Google Pay and Rs. 10,00,000/- cash and Rs. 5,00,000/- in cash and Rs. 4,00,000/- more. I have complete details of the same. However, only Tanu had gone abroad to USA but Samridhi Soni did not pay fee of any semester. Samridhi Soni sent only one daughter Tanu to USA but did not pay her tuition fee and has committed cheating of Rs. 26,00,000/-. 3) That Samridhi Soni proprietor Climbers Institute of IELTS 11-12 Zila Parishad Market, Ajnala Road, Amritsar has committed cheating with me for a sum of Rs. 26,00,000/- on the pretext of sending my daughters abroad. It is requested that action be taken against Samridhi Soni Proprietor Climber Institute of IELTS 11-12, Zila Parishad Market, Ajnala Road, Amritsar. The money transactions took place at Krishna weighbridge Assand Road, Panipat. Sd/-Mukesh son of Naffe.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family. Counsel for the petitioner further submits that she charged only Rs.2.35 lacs for her fee and rest of the amount was for admission fee etc.

5. The State's as well as complainant's counsel oppose the bail.

REASONING:

6. One daughter of the complainant was successful in interview and she was granted visa, however the other was unsuccessful. As concerned for the fee of admission etc., the complainant should aware that fee is paid to college/institution not to an agent. No ground is made out to deny bail. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

7. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail

CRM-M-60126-2024

order and the following additional conditions.

CONDITIONS:

8. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition allowed and** interim order dated 02.12.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.04.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.